IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 28224 of 2007(I)

PETITIONERS:

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1. THOMAS AUGUSTIN,
   S/O. LATE E.A AUGUSTIN,
   EATTICKAL HOUSE, KUMALY P.O.,
   IDUKKI DISTRICT.

2. GEORGE AUGUSTIN,
   S/O. LATE E.A. AUGUSTIN,
   -DO- -DO-

3. MARTIN AUGUSTIN,
   S/O. LATE E.A. AUGUSTIN,
   -DO- -DO-

4. PRINCE AUGUSTIN,
   S/O. LATE E.A. AUGUSTIN,
   -DO- -DO-

5. PRIME AUGUSTIN,
   S/O. LATE E.A. AUGUSTIN,
   -DO- -DO-

ADDL. PETITIONERS: REPRESENTING THE SAHRE OF EA AUGUSTIN EATTICKAL HOUSE WHO WAS SHOWN AS THE 1ST PETITIONER BY MISTAKE IN RP NO.492 OF 2007 TRIBUNAL FOR LOCAL SELF GOVERNMENT THIRUVANANTHAPURAM WHO EXPIRED ON 11.07.07.

1. LEELAMMA AUGUSTIN
   W/O. LATE AUGUSTIN EATTICKAL HOUSE,
   KUMALY P.O., IDUKKI DISTRICT.

2. RINTU AUGUSTIN,
   D/O. LATE AUGUSTIN EATTICKAL HOUSE,
   KUMALY P.O., IDUKKI DISTRICT.

BY ADV. SRI.T.C.ULAHANNAN

WPC : 28224 OF 2007

RESPONDENTS:
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1. KUMALY GRAMA PANCHAYAT REPRESENTED BY ITS SECRETARY, KUMALY P.O.

2. THE SECRETARY FOR LOCAL BODIES SECRETARIAT, THIRUVANANTHAPURAM.

3. THE TRIBUNAL FOR LOCAL SELF GOVERNMENT, NEAR MEDICAL COLLEGE, THIRUVANANTHAPURAM.

R2 & R3 BY ADV. SRI.K.J.MOHAMMED ANZAR, SR. GOVT. PLEADER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 28224 OF 2007

Dated this the 24th day of September, 2007

JUDGMENT

I do not propose to go into the merits of the various grounds raised. However, considering the submissions of Mr.T.C.Ulahannan, counsel for the petitioner on the basis of Rule 6(3) of the Kerala Panchayat Raj (Building Tax and the Sur Charge Thereon) Rules, 1996, I direct the Tribunal for Local Self Government Institutions to re-admit and entertain RP No.492/07, upon the petitioner producing receipt against remittance of a sum of Rs.12,000/- against Ext.P6 and P7 demand notices. It is made clear that such remittance will be without prejudice to the petitioner's contentions and will not be understood as a reflection by this Court on the merits of the grounds raised. If the petitioner re-presents the RP together with the receipt against payment of Rs.12,000/- within three weeks from today, the Tribunal will readmit the RP and dispose of the RP in accordance with law.

PIUS C. KURIAKOSE, JUDGE

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